

Attorney Docket No. AUS920030521US1
Serial No. 10/631,068

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II. REMARKS

Claim Objections

1. The examiner objected to claims 12-13, 15, and 25-26 under 37 CFR 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant has canceled claims 12-13, 15, and 25-26.

Claim Rejections - 35 USC § 103

2. The examiner rejected claims 1 and 14 under 35 U.S.C. 103(a) as being unpatentable over Stansvik (US 2003/0027122, "Stansvik"), in view of Edberg (5,873,111, "Edberg"), and in view of Kobayshi (2001/0019329, "Kobayashi").

Applicant has amended claim 14 to clarify that the user actions are taken at a graphical user interface.

APPLICANT SUBMITS THAT THE EXAMINER HAS NOT EXAMINED THE CLAIMED INVENTION
AS A WHOLE

Applicant asks that the examiner reconsider the rejection of claim 1 and of claim 14 as amended in this response. The reason for the request for reconsideration is that applicant believes that the examiner has pieced together the claimed invention using the claims as a guide. Moreover, the examiner has not provided a suggestion or motivation to combine the various prior art elements as depicted in independent claims 1 and 14. The determination of the differences between the prior art and the claimed invention must be made considering the claimed invention as a whole, not merely the difference between the claimed invention and the

Attorney Docket No. AUS920030521US1
Serial No. 10/631,068

prior art.¹ The relevant inquiry is whether it would have been obvious to combine the references without having access to the application.

Specifically, applicant claims a method and a computer program product that allows a user to make selections at a graphical user interface and to have one question language and another answer language. The examiner has taken the position that the writing systems for Chinese (Pin Yin, Traditional, and Simplified) are writing systems for one language and therefore, applicants method claims two language rather than four. The claims specify the writing systems, and the prior art does not disclose the four choices (whether languages or writing systems) as presented at a graphical user interface. Moreover, Chinese is unique in the complexity of its characters as well as having three different systems of writing. The prior art does not disclose an automated system that enables a user to deal with this specific situation in a learning environment.

APPLICANT TRAVERSES THE EXAMINER'S USE OF OFFICIAL NOTICE.

In regard to the examiner's assertion of Official Notice in the rejections, applicant traverses the examiners assertions as set forth below:

The examiner took official notice "that teaching of English by selecting a chapter from a Chinese-English textbook and selecting [an] answer question and [a] question language in English or Chinese are old and well know in the art of foreign language education." Applicant submits that the examiner's use of Official Notice is incorrect because the examiner has not correctly stated the issue. The issue is not whether it would be obvious to use a textbook—the issue is whether the combination claimed by the applicant to automate the process of presenting

¹ *Lear Sigler Inc. v. Aeroquip Corp.*, 733 F.2d 881, 221 USPQ 1025, 1033 (Fed. Cir. 1984).

Attorney Docket No. AUS920030521US1
Serial No. 10/631,068

vocabulary would be obvious. Alternatively, applicant demands that the examiner provide documentary evidence to support the official notice.

The examiner took official notice that the feature of changing the font size of the characters displayed on the graphical user interface is old and well known in the art of document printing and processing. Applicant submits that the examiner's use of Official Notice is incorrect because the issue is not whether a feature changing font size is well known, but rather whether presenting the specified choices in applicant's claim for an automated study system would be obvious—i.e. allowing a user to select from four choices to aid in the study of Chinese characters. Alternatively, applicant demands that the examiner provide documentary evidence to support the official notice.

The examiner took official notice that “teaching of English by selecting a chapter from a Chinese-English textbook; and selecting [an] answer question and question language in English or Chinese are old and well known in the art of foreign language education.” Applicant submits that the examiner's use of Official Notice is incorrect because the examiner has not correctly stated the issue. The issue is not whether selecting a chapter from a textbook is old and well known. Nor is the issue whether selecting an answer question, in English or Chinese, and selecting a question language, in English or Chinese, are old and well known. Rather the issue is whether a graphical user interface, as claimed by applicant to automate the study of vocabulary in the combination claimed by the applicant is well known. Alternatively, applicant demands that the examiner provide documentary evidence to support the official notice.

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3. The examiner rejected claims 5-6, 8-13, 15, 17-19, and 21-26 under 35 U.S.C. 103(a) as being unpatentable over Stansvik in view of Kobayshi, and further in view of Parry et al. (6,077,085, "Parry"). Applicant submits that the dependent claims depend from allowable independent claims.

CONCLUSION

4. Applicant claims a method that allows a user to select one language for the question language and another language for the answer language. This selection is provided by a graphical user interface. The automated process, as claimed by applicant, reduces the steps and time required in dealing with multiple languages and/or writing systems. Thus more time can be spent by the student on the learning process.

Applicant submits that the claims should be allowed. If the examiner has any questions, or would like to discuss this response with applicant's attorney, he can be reached at 214-231-4703 (direct).

Respectfully submitted,



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Page 10 of 10